IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.13711 of 2007

Between:

M/s.JCB India Ltd.,
Begumpet, Hyderabad.

..... PETITIONER

and

1.The Assistant Commissioner (CT) (LTU),
Hyderabad Rural Division, Hyderabad and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.13711 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Appeal is pending before the Tribunal against an order dated 30-10-2006 passed by the second respondent-Appellate Deputy Commissioner (CT). The Appellate Deputy Commissioner had already given some relief to the petitioner and the case has been partly dismissed and partly remanded.

The learned Counsel for the petitioner submits that 50% of the disputed tax had already been paid by the petitioner.

In these circumstances, we direct that the appeal shall be heard by the Tribunal and till the disposal of the appeal, the impugned notice dated 28-05-2007 shall not be given effect to. However, the respondents-authorities shall ensure that the petitioner had paid 50% of the disputed tax.

Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

2nd July, 2007

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(Nooty Ramamohana Rao, J)

Note:
Wire at party's costs.
B/o
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